

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	Bankruptcy Case No. 21-70008-JAD
)	
GREGORY L. MILLER and TAMARA L.)	Chapter 13
MILLER,)	
)	Docket No.
Debtors)	
)	Related to Docket No. 46 & 47
GREGORY L. MILLER and TAMARA)	
L. MILLER,)	Hearing Date: 10/13/2021 at 11:00 AM
)	
Movants)	
)	
vs.)	
)	
CNB BANK, CAPITAL ONE BANK)	
USA, N.A., DITECH, M&T BANK,)	
PENN STATE FCU, SYNCHRONY)	
BANK,)	
)	
Respondents)	
)	
and)	
)	
RONDA J. WINNECOUR, ESQUIRE,)	
CHAPTER 13 TRUSTEE,)	
)	
Additional Respondent)	

**LIMITED OBJECTION TO DEBTOR'S MOTION FOR SALE OF REAL ESTATE
FREE AND DIVESTED OF LIENS**

AND NOW, this 14th day of September, 2021, comes CNB Bank ("CNB"), by and through its counsel, Knox McLaughlin Gornall & Sennett, P.C., with this Limited Objection to Motion for Sale of Property Free and Divested of Liens, stating as follows:

1. CNB is a party to a series of three (3) loans with Gregory L. and Tamara L. Miller ("Debtors") and their company, Central PA Home Center LLC. CNB filed Proofs of Claim at Nos. 1-1, 2-1, 3-1 on January 22, 2021. Claim No. 3-1 was amended on February 15, 2021. CNB's loans are fully secured by Mortgages on 33 Bigler Road, Bigler, PA i.e. the real estate the Debtors propose to sell. Interest, costs, and fees have accrued on each loan since the Claims

were filed. The total cumulative amount owed CNB as of September 14, 2021 is approximately \$288,784.01.

2. CNB has no objection to the concept of a sale of the Bigler Road property, assuming that CNB's secured loans will be paid in full at closing. However, CNB has several concerns/objections to the Motion itself, as follows:

(a) CNB has no objection if all of its loans will be paid in full at closing. It is not clear from the Motion if that is intended. If the Debtor has an Objection to CNB's loans, secured status, or payoffs, CNB requests that it be informed immediately and before any proposed sale hearing.

(b) CNB's claims were filed on January 22, 2021 and amended on February 15, 2021. The proposed Sale Order appears to indicate that CNB will be paid its claim amounts only. CNB demands that it be paid in full its current balances as of the date of closing. The claim amounts can only be used as approximations.

(c) The Motion leaves the amount of costs and attorney's fees requested by the Debtor's attorney as open ended. CNB requests to know an amount. If the amount is only \$750 or if CNB is paid in full at closing, CNB waives this Objection.

(d) The Sales Agreement does not appear to have a financing contingency but does have a due diligence contingency. Has this be waived or completed?

WHEREFORE, CNB respectfully requests that this Limited Objection be granted and that CNB be granted such other and further relief as is necessary and just.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
Attorneys for CNB Bank

BY: /s/ Mark G. Claypool

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CHAPTER 13 TRUSTEE,)	
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Additional Respondent)	

CERTIFICATE OF SERVICE

TO PARTIES IN INTEREST:

I, Mark C. Claypool, certify under penalty of perjury that I served the above-captioned pleading, Objection to Motion for Sale of Property Free and Divested of Liens, on the parties

at the addresses on the attached matrix, on September 14, 2021 by first class, United States mail, postage pre-paid and/or electronic transmission.

BY: /s/ Mark G. Claypool

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SERVICE MATRIX

Via US mail:

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Via CM/ECF

Office of the United States Trustee

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